

FILED

JUN 24 2021

CN: 2120171732

SN: 1

PC: 8

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

SHANNA PAU-TAYLOR, individually
and as Guardian ad Litem for JALON
BRYANT, a minor,

Plaintiffs,

vs.

SCOTT A. KALUZA, a single person;
FARMERS ELEVATOR OF
KENSINGTON, MN, Inc., a Minnesota
corporation,

Defendants.

NO. **21201717-32**

SUMMONS

TO: SCOTT A. KALUZA and FARMERS ELEVATOR OF KENSINGTON, MN,
INC., defendants.

A lawsuit has been started against you in the above-entitled court by plaintiffs,
Shanna Pau-Taylor and her minor son Jalon Bryant. Plaintiffs' claim is stated in the
written Complaint, a copy of which is served upon you with this Summons.

In order to defend against the lawsuit, you must respond to the complaint by stating
your defense in writing, and serve a copy upon the undersigned attorney for the plaintiffs
within 20 days after the service of this Summons, or within 60 days if this Summons was
served outside the State of Washington, excluding the day of service, or a default judgment

SUMMONS - 1

LLOYD A. HERMAN & ASSOCIATES, P.S.
213 North University Rd.
Spokane Valley, Washington 99206
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Fax (509) 922-4720
LloydHerm@aol.com

1 may be entered against you without notice. A default judgment is one where the plaintiffs
2 are entitled to what he asks for because you have not responded. If you serve a notice of
3 appearance on the undersigned attorney, you are entitled to notice before a default
4 judgment may be entered.
5

6 You may demand that the plaintiffs file the lawsuit with the court. If you do so, the
7 demand must be in writing and must be served upon the plaintiff. Within 14 days after the
8 service of the demand, the plaintiffs must file this lawsuit with the court, or the service on
9 you of this Summons and Complaint will be void.
10

11 If you wish to seek the advice of an attorney in this matter, you should do so
12 promptly so that your written response, if any, may be served on time.

13 This Summons is stated pursuant to Rule 4 of the Superior Court Civil Rules of the
14 State of Washington.

15 DATED in Spokane Valley, Washington, this 24th day of June 2021.
16

17 LLOYD A. HERMAN & ASSOCIATES

18 By: 
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20 Lloyd A. Herman
21 WSBA No. 3245
22 Attorney for Plaintiffs
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27 SUMMONS - 2
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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

21201717-32

SHANNA PAU-TAYLOR, individually;
JALON BRYANT, a minor and child of
SHANNA PAU who will act as his
Guardian ad litem;

NO.

COMPLAINT

Plaintiffs,

vs.

SCOTT A. KALUZA, a single person;
FARMERS ELEVATOR OF
KENSINGTON, MN, INC., a Minnesota
corporation,

Defendants.

The Plaintiffs, SHANNA PAU-TAYLOR and JALON BRYANT, by and through
their attorney of record LLOYD A. HERMAN, of the firm LLOYD A. HERMAN &
ASSOCIATES, P.S., and for cause of action against the Defendants, SCOTT A. KALUZA
and FARMERS ELEVATOR OF KENSINGTON, MN, INC., do complain and allege as
follows.

I. PARTIES

1.1. Plaintiff, Shanna Pau-Taylor, at all times material hereto and at the time of
the accident mentioned herein is a resident of Spokane County in the State of Washington.

COMPLAINT - 1

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1.2. Plaintiff, Jalon Bryant, at all times material hereto and at the time of the accident mentioned herein, is a minor, the son of plaintiff, Shanna Pau-Taylor, and a resident of the County of Spokane in the State of Washington.

1.3. Based upon the Plaintiffs' best investigation, information, and belief, the Defendant, Scott A. Kaluza (hereinafter "Kaluza"), at all times material hereto and at the time of the accident mentioned herein is a resident of the State of Minnesota.

1.4. Based upon the Plaintiffs' best investigation, information, and belief, the Defendant, Farmers Elevator of Kensington, MN, Inc. (hereinafter "Farmers E"), at all times material hereto and at the time of the accident mentioned herein, is a Minnesota corporation doing business in the County of Spokane and the State of Washington.

1.5. Based upon the Plaintiffs' best investigation, information, and belief, the Defendant Kaluza, at all times material hereto and at the time of the accident mentioned herein, is an employee of the Defendant Farmers E and was operating a motor vehicle (*i.e.*, a logging truck) owned by Farmers E while within the scope of his employment with Farmers E.

II. JURISDICTION & VENUE

2.1. That all acts hereinafter alleged occurred within the State of Washington, County of Spokane, and that this Court has jurisdiction over this cause pursuant to Revised Code of Washington RCW 4.12 et seq.

2.2. That all acts hereinafter alleged occurred within the State of Washington, County of Spokane, therefore, venue is proper in the Superior Court in and for the County of Spokane pursuant to Revised Code of Washington RCW 4.12 et seq.

COMPLAINT - 2

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III. FACTUAL ALLEGATIONS

3.1. Sometime on or about June 28, 2018, the Plaintiff, Shanna Pau-Taylor (then known as Shanna Pau), was traveling south on Browne Street in her motor vehicle in the City and County of Spokane in the State of Washington.

3.2. On the same date and at the same time, the Defendant Kaluza was driving a logging truck owned by the Defendant, Farmers E, while in the scope of his employment with Defendant, Farmers E, southbound on Browne Street in the City and County of Spokane in the State of Washington.

3.3. The Plaintiff, Shanna Pau-Taylor, and her vehicle crossed Browne's intersection with Sprague Avenue and proceeded under a railroad overpass. It was there where the logging truck driven by Kaluza sideswiped her vehicle causing it to hit the cement barrier. As a result of the collision, the Plaintiff, Shanna Pau-Taylor, suffered serious injuries.

IV. CAUSE OF ACTION - NEGLIGENCE

4.1 Plaintiffs realleges and incorporate by reference, all preceding allegations.

4.2 On or about June 28, 2018, the Defendant Kaluza operated a logging truck owned by the Defendant Farmers E (and while in the scope of his employment with Defendant Farmers E) in a negligent and careless fashion by failing to keep proper look-out so as to cause it to collide with the motor vehicle driven by the Plaintiff, Shanna Pau-Taylor, resulting in her sustaining serious injuries.

4.3 The Plaintiff, Shanna Pau-Taylor, was free from negligence.

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V. PROXIMATE CAUSE

5.1 Plaintiffs reallege and incorporate by reference, all preceding allegations.

5.2 The injuries sustained by Plaintiff, Shanna Pau-Taylor, were caused solely as a proximate result of the Defendants' actions and negligence.

5.3 As a direct and proximate result of the Defendants' negligence, Plaintiff, Shanna Pau-Taylor, was caused to be severely injured; that although medical attention, surgery and supportive remedies have been resorted to, said injuries, together with pain, discomfort and limitation of movement, prevail and will continue to prevail for an indefinite time into the future, that it is impossible at this time to fix the full nature, extent and severity and duration of said injuries, but they are alleged to be permanent, progressive and disabling in nature; that the Plaintiff has incurred and will likely continue to incur medical expenses and other expenses to be proved at the time of trial, all to his general damage in an amount now unknown.

VI. LOSS OF CONSORTIUM

6.1. Plaintiffs reallege and incorporate by reference, all preceding allegations.

6.2. That as a direct and proximate result of Defendants' negligence and the injuries sustained by Plaintiff, Shanna Pau-Taylor, the Plaintiff, Jalon Bryant, has suffered and will continue to suffer great mental, physical and emotional distress. That in addition, Plaintiff, Jalon Bryant, has suffered the loss of love, affection, care, comfort, services and consortium as a result of the injuries sustained by his mother, Shanna Pau-Taylor. The amount of said damages incurred by Plaintiff, Jalon Bryant, shall be proven at the time of trial.

VII. RESERVATION

7.1. Plaintiffs reallege and incorporate by reference all preceding allegations in this complaint.

7.2. Plaintiffs reserve the right to add other parties, claims, and causes of action based upon discovery as it develops this case.

VIII. PHYSICIAN/PATIENT PRIVILEGE

8.1. Plaintiffs reallege and incorporate by reference all preceding allegations.

8.2. The Plaintiffs assert the physician/patient privilege for 88 days following the filing of this complaint. On the 89th day following the filing of this complaint, the Plaintiffs hereby waive the physician/patient privilege. That waiver is conditioned and limited as follows: (1) The Plaintiff does not waive the Plaintiffs' constitutional right of privacy; (2) The Plaintiff does not authorize contact with the Plaintiffs' health care providers of any kind except by judicial proceeding authorized by the Rules of Civil Procedure; (3) Representatives of the Defendants are specifically instructed not to attempt ex parte contacts with health care providers of the Plaintiffs; and (4) Representatives of the Defendants are specifically instructed not to write letters to Plaintiffs' health care providers telling them that they may mail copies of records to the Defendants.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment and relief against the Defendants as follows:

1. That the Defendants, and each of them, be held liable to Plaintiffs for all damages suffered by Plaintiffs in amounts to be proven at the time of trial;

COMPLAINT - 5

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1 2. For judgment for special damages including all hospital, medical,
2 medication, and physical therapy expenses in an amount to be proven at trial;

3 3. For judgment for special damages including loss of past and future income
4 in an amount to be proven at trial;

5 4. For loss of earnings or earning capacity, as may be proven;

6 5. For general damages for pain, suffering and mental anguish in an amount to
7 be proven at the time of trial;

8 6. For loss of love, affection, care, comfort, services and consortium as in an
9 amount to be proven at the time of trial;

10 7. For costs, disbursements and attorney's fees incurred herein; and

11 8. For such other and further relief as the court deems just and equitable.

12 DATED in Spokane Valley, Washington, this 21st day of June 2021.

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16 LLOYD A. HERMAN & ASSOCIATES

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18 By: 

Lloyd A. Herman

WSBA No. 3245

Attorney for Plaintiffs

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27 COMPLAINT - 6

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